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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**
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15 IN RE: HIGH-TECH EMPLOYEE
16 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

17 THIS DOCUMENT RELATES TO:

18 ALL ACTIONS
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**DECLARATION OF GREGORY M.
SERGI ON BEHALF OF INTEL IN
SUPPORT OF DEFENDANTS' JOINT
RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
REGARDING FILINGS RELATED TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' JOINT MOTIONS *IN
LIMINE***

1 I, Gregory M. Sergi, hereby declare and say:

2 1. I am an attorney with Munger, Tolles & Olson LLP, counsel of record for Intel
3 Corporation (“Intel”) in this case, and am admitted to practice before this Court. I make this
4 declaration in support of Defendants’ Joint Response to Plaintiffs’ Administrative Motion to Seal
5 Regarding Filings Related to Plaintiffs’ Opposition to Defendants’ Joint Motions *In Limine* being
6 filed concurrently with this Declaration. On behalf of Intel, I make this declaration pursuant to
7 Local Rules 79-5(d) and 7-11(a) to demonstrate good cause for the portions of the documents
8 described below to be filed under seal. If called and sworn as a witness, I could and would
9 competently testify to the matters stated below.

10 2. I have reviewed the documents listed below, and made specific, narrowly tailored
11 redactions where necessary to protect highly confidential and highly sensitive Intel information
12 regarding its compensation, hiring, and recruiting practices.

13 *The Reasons for Sealing the Redacted Information*

14 3. The grounds for Intel’s redactions identified below are set forth in the Declaration
15 of Tina M. Evangelista in Support of Plaintiffs’ Administrative Motion to File Under Seal
16 Plaintiffs Notice of Motion and Motion for Class Certification, and Memorandum of Law in
17 Support, Docket Item 203 (Oct. 8, 2012) (“Evangelista Decl.”) and the Declaration of Tina M.
18 Evangelista in Support of Renewed Administrative Motion to Seal, Docket Item 287 (Jan. 22,
19 2013) (“Evangelista II Decl.”). The types of confidential Intel information reflected in the
20 documents at issue here are the same (or substantially similar) to the types of confidential Intel
21 information described in the Evangelista Declarations. As explained in the Evangelista
22 Declarations, the information at issue here reflects confidential business information that gives
23 Intel a competitive advantage in recruiting, retaining, and compensating employees. Evangelista
24 Decl. ¶ 4. Intel derives independent economic value from the strategic information and raw data
25 contained in these documents not being generally known to the public or to other persons who can
26 obtain economic value from its disclosure or use. *Id.* ¶ 5. It is Intel’s practice to treat these
27 documents and data as confidential, and not to disclose them outside the company. *Id.* ¶ 6. The
28 information reflected in the documents at issue here quotes from, describes, or reflects analysis of

Intel's documents and data that have been designated "CONFIDENTIAL – ATTORNEYS' EYES ONLY" ("AEO") pursuant to the Protective Order in this Action.

The Intel Confidential Information that Should be Sealed

4. Specifically, Intel seeks to seal the following highly confidential, commercially sensitive information:

5. **Declaration of Anne B. Shaver in Support of Plaintiffs' Opposition to Defendants' Joint Motions *In Limine* ("Shaver Decl."), Exhibit 13 — November 25, 2013 Expert Report of Kevin Murphy:** The grounds for redactions relating to Intel confidential information are stated in the Declaration of Gregory M. Sergi on behalf of Intel in Support of Defendants' Renewed Motion to Seal Materials In Connection with Summary Judgment and Daubert Motions, Docket Item 854, ¶ 18 (Apr. 10, 2014) ("4/10/14 Sergi Decl.").

6. **Shaver Decl., Exhibit 14 — December 6, 2013 Expert Report of Edward Snyder:¹** The grounds for redactions relating to Intel confidential information are stated in 4/10/14 Sergi Decl. ¶ 19.

7. **Shaver Decl., Exhibit 18 — October 28, 2013 Expert Report of Edward Leamer:** The grounds for redactions relating to Intel confidential information are stated in 4/10/14 Sergi Decl. ¶ 9.

8. **Shaver Decl., Exhibit 19 — December 11, 2013 Expert Report of Edward Leamer:** The grounds for redactions relating to Intel confidential information are stated in 4/10/14 Sergi Decl. ¶ 10.

9. **Shaver Decl., Exhibit 80 — Excerpt from Intel data:** This document is an excerpt from Intel's highly confidential compensation data. Specifically, this documents shows compensation-related information for a particular Intel employee, including that employee's location, age, job title, job grade, and corresponding base salary and bonus targets.

¹ The Plaintiffs originally submitted Dr. Snyder's expert report of November 25, 2013 in connection with Docket Item 879, but subsequently removed that document and replaced it with Dr. Snyder's Amended Reported dated December 6, 2013.

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